



**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**SEPA DETERMINATION:**    ☐ Exempt    ☒ DNS    ☐ MDNS    ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

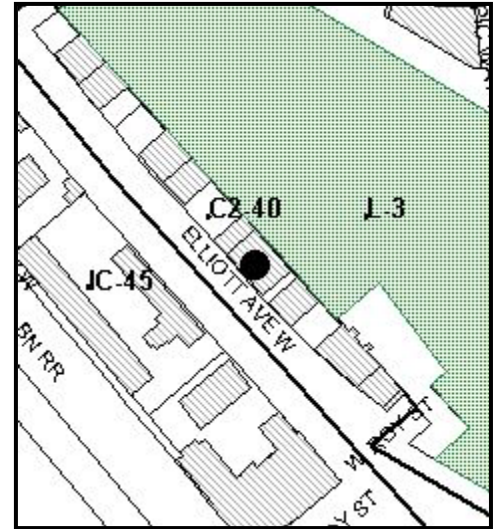
## **BACKGROUND DATA**

### **Site Description**

The 19,213 square foot site is located in a Commercial 2 (C2) zone on northeastern side of Elliott Avenue West, mid-block between West Prospect Street and West Roy Street at the southwest edge of Kinnear Park. Vehicle access to the site is via Elliott Avenue West and is paved with curbs and sidewalks. On street parking is allowed.

### **Area Zoning**

Zoning for the northeastern block front of Elliott Avenue West between West Prospect Street and West Roy Street is Commercial 2 (C2) zone with a forty (40) foot height limit, the southeastern block front is an Industrial Commercial (IC) zone with a forty-five (45) foot height limit. Northeast of the site is zoned Multi-family Lowrise 3 (L-3).



### **Proposal Description**

The applicant proposes to subdivide the subject parcel into two parcels of land: Proposed parcel sizes are: A) 3,266 square feet and B) 15,947 square feet.

### **Public Comments**

No comments were received during the official public comment period which ended March 26, 2003.

## **ANALYSIS - SHORT SUBDIVISION - Short Subdivision – Review Checklist**

### **Criteria Review – Short Subdivisions**

- A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant condition or deny a short plat.
1. Conformance to the applicable Land Use Code provisions (including street improvement requirements);
    - ☒ Zoning review approved.
    - ☒ Development standards of underlying zone (including Overlays).
    - ☒ Chapter [23.53](#) Streets and Alleys
    - ☒ Chapter [23.54](#) Parking and Access
    - ☐ Zoning review approved with conditions or corrections.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);
- ☒ Fire Marshal's Office approved.  
☐ Fire Marshal's Office approved with conditions.
- ☒ Seattle City Light review approved.  
☐ Seattle City Light requires easement.
3. Adequacy of drainage, water supply, and sanitary sewage disposal;
- ☒ Drainage review approved.  
☐ Drainage review approved with conditions.
- ☒ Seattle Public Utilities Water Availability Certificate (WAC) approved. WAC number 2003-0249.  
☐ Seattle Public Utilities requirements for WAC approval.
4. Whether the public use and interests are served by permitting the proposed division of land;
- ☒ N/A Department of Parks and Recreation approved.  
☐ Department of Parks and Recreation approved with conditions.
- ☒ N/A Department of Neighborhoods (landmark sites or Districts) approved.  
☐ Department of Neighborhoods (landmark sites or Districts) approved with conditions.
- ☒ Building Plans Examiner review and approval.  
☐ Building Plans Examiner approval with conditions.
- ☒ The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
- ☒ Site is located at the toe of a steep slope and its buffer; and is within a liquefaction-prone area.  
☐ Site exempt from ECA Ordinance (SMC [25.09.040](#)).
6. Is designed to maximize the retention of existing trees;
- ☒ Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.  
☒ Site does not contain Exceptional Trees as defined in Director's Rule [6-2001](#).

- ☒ The short subdivision meets the applicable provisions of SMC [25.11](#).
- ☐ A tree preservation plan is required.

### **SUMMARY – SHORT SUBDIVISION**

The lots to be created by this short subdivision will meet all minimum standards of the Commercial 2 (C2) zone set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Sanitary Sewer - the existing structure located upon proposed Parcel A is connected by means of a single sidesewer, to which there is apparently a catch basin collecting runoff from Elliott Avenue W also connected, to a 21-inch public combined sewer (PS) in Elliott Avenue W. Drainage - the PS will be the appropriate point for stormwater discharge. Stormwater detention, with controlled release to the PS in Elliott Avenue W, is likely to be required for construction in excess of 2,000 sq.ft. of development coverage. Plan review requirements will be made at time of building permit application in accordance with any applicable stormwater ordinance in effect at that time. If the project is greater than 5,000 sq.ft. of new or replaced impervious surface, a comprehensive drainage control plan, prepare in accordance with SMC 22.802.015D and 22.802.020 may be required.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED** as noted below.

### **ANALYSIS - SEPA**

The proposed short subdivision sites are located in Steep Slope (>40%) Environmentally Critical Area (ECA) and within a Liquefaction-Prone area; and are not exempt from SEPA review pursuant to Seattle Municipal Code 25.09.180-D2. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (SMC Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (prepared March 7<sup>th</sup>, 2003), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Critical Areas. These ECAs are subject to additional environmental review to determine impacts and, if warranted, to provide further mitigation beyond the development standards required by all City codes.

City codes and/or ordinances apply to future proposals and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); and 2) Stormwater, Grading, and Drainage Control Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation; Imposing specific conditions is not necessary for these impacts.

Because the proposed sites are located in a Steep Slope Environmentally Critical Area and a Liquefaction-Prone Area. The ECA Ordinance and Directors Rule (DR) 3-93 will require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. As a result, future proposals will be subject to geo-technical evaluation. There are no significant impacts to the ECA resulting from the proposed subdivision and construction. No conditioning is warranted per SEPA policies.

### Summary

City codes and ordinances adequately regulate and provide extensive conditioning authority to mitigate the potential impacts to earth as identified in the foregoing analysis. There are no significant impacts anticipated to affect the ECA.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS - SEPA**

None.

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
2. Submit the recording fee and final recording forms for approval.

*Prior to Issuance of any Building Permit*

3. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to any future building plans.

Signature: (signature on file) Date: June 23, 2003  
Colin R. Vasquez, Land Use Planner  
Department of Design, Construction and Land Use